IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1056 OF 2005

Pandurang D. Sutar & ors. ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr.A.P.Mundargi, with Mr. S.R. Mithare, for the Applicants.

Mr.V.B. Konde Deshmukh, A.P.P. for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

21st February 2005

P.C.:

. Heard Counsel for the parties. As the Applicants have not challenged the order dated 7th January 2005, directing re-arrest of the Applicants, instead of going into the contentious issues raised before this Court in the present anticipatory bail application, the appropriate

course, to my mind, is to grant limited protection to the Applicants, so as to enable the Applicants to surrender before the appropriate Court and apply for regular bail, if so advised, which will have to be decided by the appropriate Court on its own merits in accordance with law, uninfluenced by the order refusing to grant anticipatory bail to the Applicants, or, for that matter, disposal of the present application. This course is adopted as the Applicants were already granted bail on the earlier occasion, but the bail has been cancelled and order of re-arrest has been passed in view of application of further sections of the Indian Penal Code to the pending case. The Applicants shall not be arrested till 25th February 2005 to enable them to apply for regular bail before the appropriate Court. The Applicants shall give advance notice to the investigating officer before moving the appropriate Court for regular bail. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)